

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)

To: LEANDRO ARECHEDERRA EXXONMOBIL CHEMICAL COMPANY LAW TECHNOLOGY P.O. BOX 2149 BAYTOWN, TEXAS 77522-2149			PCT		
Applicant's or agent's file reference			Date of Mailing (day/month/year)		
2003B133B			02 NOV 2004		
International application No.			REPLY DUE		
PCT/US03/40341			within 1 months/days from the above date of mailing		
International filing date (day/month/year)		Priority date (day/month/year)			
19 December 2003 (19.12.2003)		20 December 2002 (20.12.2002)			
International Patent Classification (IPC) or both national classification and IPC					
IPC(7): C08F 236/02, 236/08 and US Cl.: 526/337,339					
Applicant					
EXXONMOBIL CHEMICAL PATENTS					

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:

- | | | |
|------|-------------------------------------|---|
| I | <input checked="" type="checkbox"/> | Basis of the opinion |
| II | <input type="checkbox"/> | Priority |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input type="checkbox"/> | Lack of unity of invention |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement |
| VI | <input type="checkbox"/> | Certain documents cited |
| VII | <input type="checkbox"/> | Certain defects in the international application |
| VIII | <input type="checkbox"/> | Certain observations on the international application |

ACKNOWLEDGED

PATENT LEGAL ASSISTANT GROUP
T. N. KEYES

NOV 10 2004

☐ FYI
☐ Reminder
☐ File

**EMCLT
BAYTOWN**

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
 For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 *bis*.
 For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 20 April 2005 (20.04.2005)

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Roberto Rábago Telephone No. (571) 272-1700
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DEBORAH A. THOMAS

PARALEGAL SPECIALIST

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I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-104, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the claims:
 pages 105-121, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the drawings:
 pages 1-6, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International Application No.
PCT/US03/40341

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>54-57,61,64-70</u>	YES
	Claims <u>1-53,58-60,62-63,71</u>	NO
Inventive Step (IS)	Claims <u>54-57,61,64-70</u>	YES
	Claims <u>1-53,58-60,62-63,71</u>	NO
Industrial Applicability (IA)	Claims <u>1-71</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

The following references as cited on the ISR are discussed:

D1: Priola et al. (US 4,107,417)

D2: Welch et al. (US 2,548,415)

D3: Calfee et al. (US 2,534,698)

Claims 1-53,58,59,62,63,71 lack novelty under PCT Article 33(2) as being anticipated by D1. The reference discloses polymers of an isololefin and a multiolefin (see Examples). Although the reference does not discuss the presence of long chain branching, there is no basis to conclude that the reference polymers possess this property, and therefore the reference polymers are within the scope of the claims.

Claims 1-53,58-60,62,63,71 lack novelty under PCT Article 33(2) as being anticipated by D2. The reference discloses polymers of an isololefin and a multiolefin made in the presence of HFC diluent (see Examples, and col. 3, line 60 through col. 5, line 53). Although the reference does not discuss the presence of long chain branching, there is no basis to conclude that the reference polymers possess this property, and therefore the reference polymers are within the scope of the claims.

Claims 1-53,58,62,63,71 lack novelty under PCT Article 33(2) as being anticipated by D3. The reference discloses polymers of an isololefin and a multiolefin made in the presence of HFC diluent (see col. 1, line 50 through col. 5, line 37). Although the reference does not discuss the presence of long chain branching, there is no basis to conclude that the reference polymers possess this property, and therefore the reference polymers are within the scope of the claims.

Claims 54-57,61,64-70 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the particular embodiments of these dependent claims.

Claims 1-71 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

WRITTEN OPINION

International Application No.
PCT/US 0341

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.